



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

HD:hd
Docket No: 05059-99
10 February 2000

LT [REDACTED]

Dear Lieutenant [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

Your request to enter in your naval record the concurrent fitness reports for 7 July to 7 September 1998 and 8 September 1998 to 28 January 1999 could not be considered as you have not exhausted your administrative remedies in this regard, as explained in the attached advisory opinion from the Navy Personnel Command (NPC) dated 15 December 1999. You may if you wish, submit these reports to future selection boards.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 10 February 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the previously mentioned NPC advisory opinion, and your letter dated 25 January 2000.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the comments contained in the advisory opinion. The Board noted that the contested regular fitness report makes no reference to any request for your detachment for cause. If you are correct that such a request was made by your regular reporting senior and disapproved, this would not invalidate the report. In view of the above, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and

material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director

Enclosure



5054-99

DEPARTMENT OF THE NAVY
NAVY PERSONNEL COMMAND
5720 INTEGRITY DRIVE
MILLINGTON TN 38055-0000

1610
PERS-311
15 December 1999

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF
NAVAL RECORDS

Via: PERS/BCNR Coordinator (PERS-00ZCB)

Subj: L [REDACTED] USN, [REDACTED]

Ref: (a) BUPERSINST 1610.10 EVAL Manual

Encl: (1) BCNR File

1. Enclosure (1) is returned. The member requests the removal of his fitness report for the period 1 February 1998 to 11 January 1999 and replace it with two concurrent reports.

2. Based on our review of the material provided, we find the following:

a. A review of the member's headquarters record revealed the report in question to be on file. It is signed by the member acknowledging the contents of the fitness report and his right to submit a statement. The member's statement and first endorsement is properly reflected in the member's record.

b. The report in question is a Detachment of Reporting Senior/Regular Report. The member requests the removal of his regular fitness report because the assigned grades and the supporting comments did not accurately reflect his contributions and professional expertise and substitute it with two concurrent reports.

c. Lieutenant [REDACTED] was assigned to USS CURTIS WILBUR (DDG-54) from 27 November 1997 to 28 January 1999. Although he was TAD for seven months during this period, he was still attached to USS CURTIS WILBUR. The regular reporting senior retains the responsibility to ensure that regular reports cover all periods and that all aspects of an officer's performance have been adequately covered. The concurrent reports submitted with the member's petition only cover the periods while the member was TAD.

d. In accordance with reference (a), Annex E, the Concurrent Fitness Reports submitted with the member's petition was not acceptable for filing as they were not countersigned by the regular reporting senior. A copy of the concurrent fitness report for the period 8 September 1998 to 28 January 1999 was sent to the regular reporting senior for his signature.

e. A copy of the concurrent fitness report for the period 7 July 1998 to 7 September 1998 was returned to the concurrent reporting senior for correction and forwarding to the regular reporting senior for signature. The occasion of the report is marked special and it should have been marked detachment of individual. In accordance with reference (a) Annex D, the fitness report does not meet the criteria for a special report.

f. The member does not prove the report to be unjust or in error.

3. We recommend the member's record remain unchanged.

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Head, Performance
Evaluation Branch